

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

VS.

WAYLAND THOMAS WILSON

Defendant.

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NO. 3-92-CR-238-G(02)

RECOMMENDATION REGARDING MOTION TO PROCEED
IN FORMA PAUPERIS ON APPEAL

The court has considered Appellant Wayland Thomas Wilson's application for leave to proceed *in forma pauperis* on appeal.

- () The application for leave to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. § 1915 should be GRANTED.
- (X) The motion for leave to proceed *in forma pauperis* on appeal should be DENIED for the following reasons:
- () The plaintiff is not a pauper.
- () The plaintiff has not complied with the requirements of 28 U.S.C. § 1915(a)(1) or (a)(2). See Notice of Deficiency and Order filed on _____.
- (X) Pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), and for the reasons stated in the orders of the District Court filed on April 2, 2008 and April 21, 2010, the court should certify that the appeal is not taken in good faith.

Although this court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the plaintiff may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed IFP on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of the district court's order.

DATE: March 3, 2011.


JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE